

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

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www.ca6.uscourts.gov

Filed: August 20, 2015

Notice of Oral Argument at 1:30 p.m. December 10, 2015

Mr. Thomas A. Benson
U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, DC 20044

Mr. F. William Brownell
Hunton & Williams
2200 Pennsylvania Avenue, N.W.
Washington, DC 20037

Mr. Shannon W. Fisk
Earthjustice
1617 John F. Kennedy Boulevard
Suite 1675
Philadelphia, PA 19103

Re: Nos. 14-2274/14-2275, *USA v. DTE Energy Company, et al*; *USA v. DTE Energy Company, et al.*

Dear Counsel,

Your cases are scheduled for oral argument at **1:30 p.m. December 10, 2015** before a three-judge panel of the Sixth Circuit Court of Appeals in Cincinnati, Ohio. The time allotted for oral argument is 15 Minutes to be Shared by Plaintiff & Intervening Plaintiff; 15 Minutes for Defendants. You may learn the names of the judges sitting on the panel by checking the Court's calendar when it is posted on www.ca6.uscourts.gov two weeks prior to argument.

If you are the attorney who will argue this case, download the Oral Argument Acknowledgment form from the web site and file it electronically with the Clerk's office by September 3, 2015. If you have been granted a waiver from ECF filing, you may mail the

acknowledgment form to the Clerk's office or send it by fax, tel. (513) 564-7099. This acknowledgment form should be filed only by the attorneys who are arguing the case.

On the day of oral argument, report to the Clerk's Office, Room 540 in the Potter Stewart United States Courthouse, at the corner of 5th and Walnut Streets in Cincinnati no later than **8:30 a.m.** if argument is scheduled for 9:00 a.m. and **1:00 p.m.** if argument is scheduled for 1:30 p.m. All times are Eastern Time. Once you enter the courthouse, you must use the elevators on the Main Street (east) side to take you to the entrance to the Clerk's office on the 5th floor.

If you had previously requested oral argument but now wish to waive it, a motion to that effect should be filed with the court as soon as possible.

You should be aware that in preparing for the case the panel may conclude that, although the matter has been scheduled for oral argument, it will not be necessary to go forward with argument. In that event the panel will decide the appeal on the basis of the briefs and the record and a written decision will issue. Counsel will be notified if argument has been cancelled as soon as the panel has made that determination. The possibility that argument will not be held as originally scheduled should be taken into account in making your travel arrangements, particularly in deciding whether to purchase refundable or non-refundable tickets for air travel.

An attorney who has been appointed under the Criminal Justice Act should make travel arrangements directly with National Travel, tel. (800) 445-0668. The Clerk's office has provided National Travel with the required Travel Authorization which pays for CJA travel the day before and day of oral argument. If you are a CJA appointed attorney and choose to make alternative arrangements, reimbursement will be limited to the lesser of the government rate for airfare or actual expenses.

Continuances of oral argument will be granted only in exceptional circumstances, upon the motion of counsel. Counsel is strongly discouraged from seeking continuances and, where such a request is to be made, the motion should be filed as soon as possible. **The filing of a motion for a continuance or to waive argument does not guarantee a ruling prior to the scheduled argument.**

Sincerely yours,

s/Diane T. Sievering
Calendar Deputy

cc: Mr. Mark B. Bierbower
Mr. Makram Bassam Jaber
Mr. Harry Margerum Johnson III
Mr. Matthew J. Lund
Mr. Brent Rosser
Mr. George Peter Sibley III

Mr. Michael J. Solo Jr.
Ms. Mary Melissa Whittle